

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1114

AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 36-8-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 2. (a) ~~Except as provided in subsections (c) and (d),~~ Members of the police and fire departments must reside in Indiana ~~in one (1) of the following areas:~~ **within:**

- (1) ~~Within~~ the county in which the city ~~town, or township~~ is located; or
- (2) ~~In~~ a county that is contiguous to the county in which the city ~~town, or township~~ is located.

(b) In a consolidated city, a member who was residing outside the county on January 1, 1975, is exempt from subsection (a).

(c) A ~~municipality~~ **city** with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the ~~municipality's~~ **city's** police or fire department to comply with the following:

- (1) Reside within the county in which the ~~municipality~~ **city** is located.
- (2) Have adequate means of transportation into the ~~municipality~~ **city**.
- (3) Maintain in the member's residence telephone service with the ~~municipality~~ **city**.

(d) This subsection applies to a ~~municipality~~ **city** that:

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(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted an ordinance to establish the requirements described in this subsection before September 1, 1984.

A ~~municipality~~ **city** may require, in addition to the requirements of subsection (c), that a member of the police or fire department reside within the ~~municipality~~ **city** until the member has served in the department for five (5) years.

(e) An ordinance adopted under subsection (c) or described in subsection (d)(2) may not require a member of a ~~municipality's~~ **city's** police or fire department to reside within the county in which the ~~municipality~~ **city** is located if the member resides outside the county on the date the ordinance is adopted.

SECTION 2. IC 36-8-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 4.5. Town Police and Fire Employment Policies

Sec. 1. This chapter applies to the following:

(1) A member of a town police department under IC 36-5-7 or IC 36-8-9.

(2) A member of a town fire department.

Sec. 2. This chapter does not apply to a volunteer fire department under IC 36-8-12.

Sec. 3. As used in this chapter, "member of a town fire department" does not include a volunteer firefighter under IC 36-8-12-2.

Sec. 4. A member of a town police or fire department must reside in Indiana within:

(1) the county in which the town is located; or

(2) a county that is contiguous to the county in which the town is located.

Sec. 5. A town with a population of less than seven thousand five hundred (7,500) may adopt an ordinance that requires a member of the town police or fire department to satisfy all of the following:

(1) Reside within:

(A) the county in which the town is located; or

(B) a distance from the town stated in the ordinance.

(2) Have adequate means of transportation into the town.

(3) Maintain in the member's residence telephone service with the town.

Sec. 6. This section applies to a town that:

(1) has a population of less than seven thousand five hundred

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(7,500); and

(2) adopted an ordinance to establish the requirements described in this section before September 1, 1984.

A town may require, in addition to the requirements of section 5 of this chapter, that a member of the police or fire department reside within the town until the member has served in the department for five (5) years.

Sec. 7. An ordinance adopted under section 5 or 6 of this chapter may not require a member of a town police or fire department to comply with section 5(1) of this chapter if the member resides:

(1) outside the county; or

(2) a distance outside the town greater than stated in the ordinance;

on the date the ordinance is adopted.

Sec. 8. Notwithstanding any other law, a member appointed to a town police department under IC 36-5-7 or IC 36-8-9 before July 1, 2008, may not be required to reside within:

(1) the county in which the town is located; or

(2) a county that is contiguous to the county in which the town is located;

if the member resided within a county that is noncontiguous to the county in which the town is located on July 1, 2008.

Sec. 9. Members of the police and fire departments may not use vehicles owned or maintained by their department outside the county in which the town is located except:

(1) during the performance of official duties; or

(2) as provided for by department regulation.

SECTION 3. IC 36-8-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4. (a) The board may appoint, subject to the qualifications for employment determined by the board and approved by the town legislative body, as many persons as necessary to serve in the police department of the town. One (1) person shall be appointed to serve as the police chief. The board may also appoint other employees that are necessary to carry on the work of the police department.

(b) The board may recommend and the town legislative body shall determine the compensation to be paid to members of the police department in amounts that are just and reasonable.

(c) All persons appointed must be of good moral character and serve only during good behavior. The board constitutes the safety board of the town for purposes of the suspension, demotion, or dismissal of any member of the police department. Proceedings for the suspension,

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demotion, or dismissal of any member of the police department shall be conducted in the manner prescribed by IC 36-8-3-4. The disciplinary provisions of IC 36-8-3-4.1 also apply to the safety board and the police chief.

(d) The board may make general and special rules for the government and discipline of the police department and may make special and general orders to the department through the police chief, who is the executive head of the department.

(e) Members of the police department must:

- (1) reside within the county in which the town is located;
- (2) reside within fifteen (15) miles of the corporate boundaries of the town;
- (3) have adequate means of transportation into the town; and
- (4) maintain in their residence telephone service with the town.

SECTION 4. IC 36-8-13.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]:

Chapter 13.5. Township Fire Department Employment Policies

Sec. 1. This chapter applies to all townships except a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1.

Sec. 2. This chapter does not apply to a volunteer fire department under IC 36-8-12.

Sec. 3. As used in this chapter, "member of a township fire department" does not include a volunteer firefighter under IC 36-8-12-2.

Sec. 4. A member of a township fire department must reside in Indiana within:

- (1) the county in which the township is located; or
- (2) a county that is contiguous to the county in which the township is located.

Sec. 5. A township with a population of less than seven thousand five hundred (7,500) may adopt a resolution that requires a member of the township fire department to satisfy all of the following:

- (1) Reside within:
 - (A) the county in which the township is located; or
 - (B) a distance from the township stated in the resolution.
- (2) Have adequate means of transportation into the township.
- (3) Maintain in the member's residence telephone service with the township.

Sec. 6. This section applies to a township that:

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(1) has a population of less than seven thousand five hundred (7,500); and

(2) adopted a resolution to establish the requirements described in this section before September 1, 1984.

A township may require, in addition to the requirements of section 5 of this chapter, that a member of the township fire department reside within the township until the member has served in the department for five (5) years.

Sec. 7. A resolution adopted under section 5 or 6 of this chapter may not require a member of a township fire department to comply with section 5(1) of this chapter if the member resides:

(1) outside the county; or

(2) a distance outside the township greater than stated in the resolution;

on the date the resolution is adopted.

SECTION 5. [EFFECTIVE JULY 1, 2008] (a) IC 36-8-4.5-9, as added by this act, does not apply to or abrogate an agreement or a contract in effect on July 1, 2008.

(b) IC 36-8-4.5-9, as added by this act, applies to an agreement or a contract entered into, renewed, or extended after June 30, 2008.

(c) This SECTION expires July 1, 2011.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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HEA 1114 — Concur+

